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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,342	11/14/2003	Woiciech Franciszek Baran	DN2003192	9862

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THE GOODYEAR TIRE & RUBBER COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT 823  
1144 EAST MARKET STREET  
AKRON, OH 44316-0001

EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/713,342

Applicant(s)

BARAN, WOICIECH FRANCISZEK

Examiner

Adrienne C. Johnstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the last line of claim 1 applicant should reinstate the accidentally deleted word “not” (the axial extension should be *not* more than 10 mm).

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-7 and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

See paragraph 2 above: there is no support in the original disclosure for the axial extension of the annular reinforcing strip layer to be more than 10 mm.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 2000-1105 A.

See translation paragraphs 0008-0034: width W1 is preferably 0.1-0.2 times the belt width BW1 (translation paragraph 0020), so in the 195/60R15 example where BW1=152 mm and W1=0.2 times BW1 one of ordinary skill in the art would have "at once envisaged" the embodiment of the example wherein W1=0.1 times BW1=15 mm (MPEP 2131.02); axial extension of inner band piece 10a is clearly depicted as such a small fraction of the width W1=15 mm as to be clearly not more than 10 mm.

7. Claims 1-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Japanese Patent Application 2003-237315 A.

See the embodiment of Figure 7, translation paragraphs 0034-0055: exemplary width of 13x1.4 mm = 18 mm (translation paragraph 0053); axial extension less than 10 mm (translation paragraph 0050); cord of nylon, aramid, or steel wound in the circumferential direction (translation paragraphs 0045-0047); belt cover layer 24 wider than widest belt 22 (translation paragraph 0039).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 5-238208 A in view of Japanese Patent Application 2000-1105 A.

See JP '208 translation paragraphs 0005-0014: although the reference is silent as to the belt width  $W$ , conventional belt widths for such tires are on the order of 150 mm as evidenced by JP '105 (see paragraph 6 above) for example; it would therefore have been obvious to one of ordinary skill in the art to provide such conventional belt width in the JP '208 tire. Since the overlap width  $w_1$  is as low as 10% of the belt width  $W$  and the width  $w_2$  extends beyond  $w_1$  as little as 2% of the belt width  $W$ , such conventional belt width  $W=150$  mm would result in an axial extension of as low as 3 mm and a width  $w_2$  of as low as  $15 \text{ mm} + 3 \text{ mm} = 18 \text{ mm}$ .

10. Claims 4-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 5-238208 A in view of Japanese Patent Application 2000-1105 A as applied to claims 1-3 above, and further in view of Oare et al. (5,368,082).

It is well known to provide runflat capability to tires by adding runflat rubber inserts in the sidewalls and to improve the high speed performance of tires by providing an aramid cord or nylon cord overlay radially outward of the belt layers such that the lateral ends extend beyond the lateral ends of the belt layers, as evidenced by Oare et al. (col. 6 line 25 - col. 7 line 35 and col. 13 lines 18-50) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such well known runflat rubber sidewall inserts and aramid cord or nylon cord overlay in the above tire. As to claims 5, 6, and 13, the exemplary cords of the belt auxiliary layer are aramid cords (translation Table 1, oral translation of inventive example).

11. Claims 7, 10-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 2000-1105 A in view of Messerly (3,983,919).

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See paragraph 6 above: it is well known to provide runflat capability to tires by adding runflat rubber inserts in the sidewalls, as evidenced by Messerly (inner sidewall rubber 17, col. 1 line 13 - col. 3 line 54) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such well known runflat rubber sidewall inserts in the above tire.

12. Claims 5-7 and 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 2003-237315 A in view of Oare et al. (5,368,082).

See paragraph 7 above: it is well known to provide runflat capability to tires by adding runflat rubber inserts in the sidewalls and to improve the high speed performance of tires by providing an aramid cord or nylon cord overlay radially outward of the belt layers such that the lateral ends extend beyond the lateral ends of the belt layers, as evidenced by Oare et al. (col. 6 line 25 - col. 7 line 35 and col. 13 lines 18-50) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such well known runflat rubber sidewall inserts and aramid cord or nylon cord overlay in the above tire. As to claims 5, 6, and 13, the cords of the belt reinforcement layer 52 are either aramid or nylon or steel, therefore the number of possible combinations is small enough that one of ordinary skill in the art would have "at once envisaged" both the overlay and reinforcing strip layer having the same nylon or aramid cords, the overlay having nylon cords and the reinforcing strip layer having aramid cords or steel cords, and the overlay having aramid cords and the reinforcing strip layer having nylon or steel cords (MPEP 2131.02).

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

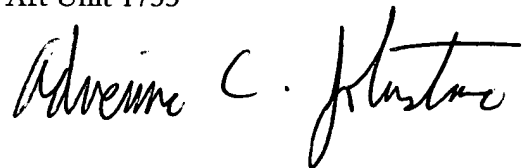
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

A handwritten signature in black ink, appearing to read "Adrienne C. Johnstone", written in a cursive style.

Adrienne Johnstone

December 21, 2005